

SUMMARY OF EXTRADITION EFFORTS

On September 11, 2014, the United States submitted to the Netherlands a formal request for the extradition of Farhia Hassan.

On September 15, 2014, the United States asked that the Dutch Public Prosecutor schedule the hearing as soon as possible. On the same day, the U.S. Department of State submitted to the Netherlands a diplomatic note requesting the extradition of Farhia Hassan and presented it and the extradition papers to the Dutch Ministry of Justice and Security.

On September 22, 2014, the United States was informed by Dutch authorities that the Dutch court had approved the transfer of the seized and intercepted materials in connection with its June 26, 2014, MLAT request, but that defense had appealed to the Supreme Court. Because the decision to transfer was not final, Dutch law did not allow the transfer of any of the disputed materials until there was a final judgment.

On September 22, 2014, the United States was informed by Dutch authorities that a hearing date had not been set regarding the MLAT request and that it would not occur for several months. The Dutch authorities reported that the next hearing was on November 7, 2014, but that the hearing was only to schedule a series of additional hearings. According to the Dutch authorities, the case could take another year-and-a-half to two years to go through the Dutch system.

On September 22, 2014, the United States asked Dutch authorities to ask the court to set a date as soon as possible.

On October 22, 2014, the United States asked Dutch authorities for an update on the MLAT request and the date of the hearing.

On November 25, 2014, the U.S. authorities wrote to the Dutch authorities that an attorney hired by Hassan in the United States had contacted the U.S. prosecutors and had proposed postponing hearings in the Netherlands while negotiations are ongoing. The U.S. authorities asked that the Dutch authorities emphatically advise the Dutch prosecutor that the United States wanted the proceedings to go forward as planned and that under no circumstances should the proceedings be delayed.

On December 3, 2014, the U.S. authorities wrote to the Dutch authorities asking about the status of the MLAT request and the date of the hearing.

On January 5, 2015, the U.S. authorities wrote to the Dutch authorities asking about the status of the MLAT request and the date of the hearing. The Dutch authorities responded that a hearing had been set for January 22, 2015.

On January 16, 2015, Dutch authorities informed U.S. authorities that the defendant had asked the Dutch prosecutor for additional information from the United States. The U.S. authorities provided a partial response to the questions the same day. The U.S. authorities provided a full response on January 20, 2015.

On January 23, 2015, Dutch authorities informed U.S. authorities that the Dutch court had adjourned the case and would schedule another hearing because the court believed that additional information was necessary. The court wanted to know more about the defendant's role with transactions to Al Shabaab.

In its ruling, the Dutch court said,

The request in regards to the taped conversations is denied. Also, the court is of the opinion that the evidence submitted is not sufficient and more evidence needs to be submitted by the United States authorities in regards to the question; which of the mentioned transactions in the indictment involved the accused, and what her role was in those transactions. The public prosecutor is asked to request this additional information from the United States authorities.

On February 9, 2015, U.S. authorities asked for clarification of the court's ruling, noting that it appeared that the court was asking for the same information the United States had already provided, which explained that Hassan did not have any direct involvement with any of the substantive payments of the then-existing indictment. U.S. authorities explained again that Hassan had been charged for aiding and abetting and being a coconspirator.

On February 17, 2015, U.S. authorities wrote a letter to the Dutch authorities that provided a further explication of the charges against Farhia Hassan.

On March 3, 2015, April 16, 2015, and May 13, 2015, the U.S. authorities requested updates on the status of the MLAT and extradition requests.

On April 16, 2015, U.S. authorities asked about the status of the proceedings in the Dutch courts.

On May 13, 2015, U.S. authorities asked about the status of the proceedings in the Dutch courts.

On May 28, 2015, U.S. and Dutch authorities met and discussed, among other matters, the progress of the Hassan proceedings in the Netherlands. At that time, the Dutch court proceedings regarding extradition were scheduled to take place well before the hearings on the U.S. MLAT request, which the defendant was vigorously opposing in the Dutch courts – including an appeal to the Dutch Supreme Court.

On June 5, 2015, because the U.S. authorities believed that the evidence requested in the MLAT would be necessary to satisfy the Dutch court's request for additional evidence to support extradition, the U.S. authorities requested that the extradition proceedings be continued until a decision on the MLAT request. The Dutch courts had expressed concern about the relatively small amounts that the defendant had been allegedly involved in sending to al-Shabaab, and the United States needed hawala and other financial records from the Netherlands to satisfy the court. But until the proceedings on the MLAT request were resolved, the United States could not obtain this evidence.

On June 9, 2015, the Dutch authorities reported that the extradition hearings would be postponed until a decision on the MLAT request.

On July 13, 2015, U.S. authorities inquired about the status of the hearings on the MLAT request.

On July 19, 2015, Dutch authorities reported that the hearings on the MLAT request would not be scheduled until September 2015.

On September 8, 2015, U.S. authorities asked about the status of the proceedings in the Dutch courts.

On September 16, 2015, U.S. authorities asked about the status of the proceedings in the Dutch courts. Dutch authorities responded that the district court had received the file back from the Supreme Court, but that a hearing in the district court had not been set.

On January 26, 2016, the Dutch authorities reported that the court had granted permission to transfer the seized evidence to U.S. authorities.

On March 3, 2016, the Dutch authorities reported that the court decision allowing the transfer of the seized items to the U.S. authorities had been suspended, because lawyers for the defendant again (for the second time) filed an appeal on February 16, 2016. As a result, the evidence could not be released pending a decision by the Dutch Supreme Court. The date of the hearing on the appeal was not yet known at that time.

On March 28, 2016, U.S. authorities asked about the status of the proceedings in the Dutch courts. Dutch authorities responded that the defendant's appeal was still pending.

On May 10, 2016, U.S. authorities asked about the status of the proceedings in the Dutch courts. On May 12, Dutch authorities responded that a hearing date in the Supreme Court had not been set and that they would follow up with the court in four weeks.

On June 16, 2016, U.S. authorities asked about the status of the proceedings in the Dutch courts. On July 7, Dutch authorities responded that they had asked the Supreme Court several times about a hearing date. The court said that a date for the hearing had not been set and that it could not say when a hearing date would be set.

On September 8, 2016, U.S. authorities asked about the status of the proceedings in the Dutch courts.

On February 19, 2017, U.S. authorities asked about the status of the proceedings in the Dutch courts. On March 14, 2017, Dutch authorities reported that a decision was expected on April 11, 2017.

On April 12, 2017, and again on April 14, 2017, U.S. authorities asked about the status of the proceedings in the Dutch courts.

On April 20, 2017, Dutch authorities reported that the Dutch Supreme Court had rejected the defendant's appeal and had allowed the release of the evidence to the United States, but that a written decision had not yet been entered.

On May 1, 2017, U.S. authorities contacted the Dutch authorities to ask when the evidence would be provided. On May 4, 2017, the Dutch authorities responded that the evidence was still with the Public Prosecutor.

On May 16, 2017, U.S. authorities contacted the Dutch authorities, noting that the evidence still had not been provided and asking when it would be. The same request was made on May 18, 2017. The Dutch authorities reported that the Public Prosecutor's office was still working on a chain of custody for the evidence.

On May 23, 2017, U.S. authorities contacted the Dutch authorities to ask that the evidence be provided in advance of the chain of custody documents. On May 24, 2017, the Dutch authorities responded that this would not be possible.

On July 31, 2017, the United States received a partial response to its MLAT request to the Netherlands. However, among other shortcomings, the response did not include critical bank records or records from hawalas or other money transmittal businesses that would have shown the defendant's financial transactions.¹

On August 15, 2017, U.S. authorities requested that the Dutch authorities re-initiate the extradition proceedings and respond fully to the MLAT request. As of that date, the United States still had not received a full response to its MLAT request.

On August 29, 2017, U.S. authorities asked Dutch authorities to proceed as expeditiously as possible with the extradition proceedings.

On September 23, 2017, U.S. authorities asked the Dutch authorities whether a hearing date had been set for the extradition proceedings. On September 25, 2017, U.S. authorities again asked that a hearing be set for the extradition proceedings. The Dutch authorities responded that they could not go forward without unspecified "additional information." The United States agreed to provide additional material (although it still had not received the financial records), but asked that the hearing be scheduled in the meantime.

On November 1, 2017, U.S. authorities asked the Dutch authorities whether a hearing date had been set for the extradition proceedings.

On November 13, 2017, Dutch authorities reported that no hearing date had been set for the extradition proceedings. The U.S. authorities responded by asking that a hearing date be set as soon as possible.

On November 20, 2017, the United States provided the Dutch authorities with a detailed and lengthy elucidation of the evidence against the defendant. However, the Dutch responded that they preferred a shorter summary of the evidence.

¹ Although certain records had been provided to the FBI by Dutch law enforcement authorities on March 2, 2016, these did not include any financial records, which were necessary to address the Dutch court's concerns about the significance of the defendant's role in the conspiracy.

On November 21, 2017, the Dutch authorities asked in which transactions Hassan was involved and how much she contributed. Of course, these particulars would have been contained in the financial records that the Dutch had yet to provide in response to the MLAT request.

On November 29, 2017, the United States provided the Dutch authorities with a shortened, four-page letter summarizing the evidence against the defendant. In the meantime, the U.S. prosecutors made arrangements to meet with the Dutch Public Prosecutors in person in an effort to obtain a full response to the MLAT request, to urge that extradition proceedings go forward, and to ensure that all necessary information was provided to the Dutch authorities.

On December 5, 2017, U.S. authorities asked the Dutch authorities about the status of the extradition proceedings and requested that a date for the hearing be set.

On January 10, 2018, U.S. prosecutors met with Dutch authorities. U.S. authorities learned that transactional records had not been requested from any hawalas – including those that had been specifically identified in the MLAT request – and that, with the passage of time, the hawala records no longer existed. Dutch authorities also asked for a longer elucidation of the evidence against the defendant.

On January 12, 2018, U.S. authorities asked the Dutch authorities when an extradition hearing would be scheduled. The Dutch responded on January 15, 2018, saying that a hearing had not been set.

On February 1, 2018, the United States provided an additional, lengthier summary of the evidence against Hassan.

On February 12, 2018, U.S. authorities asked the Dutch authorities when an extradition hearing would be scheduled. The Dutch authorities responded that they would discuss with the Public Prosecutor whether a superseding indictment that explained more of the evidence against the defendant would be helpful with the extradition proceedings.

On March 8, 2018, U.S. authorities asked the Dutch authorities when an extradition hearing would be scheduled and whether the Public Prosecutor had provided a response concerning the superseding indictment. On March 13, 2018, the Dutch responded that the Public Prosecutor had not yet replied.

On April 27, 2018, U.S. authorities again asked the Dutch authorities when an extradition hearing would be scheduled and whether the Public Prosecutor had provided a response concerning the superseding indictment. On May 1, 2018, the Dutch replied that they had again asked the Public Prosecutor to respond.

On May 9, 2018, U.S. authorities again asked the Dutch authorities when an extradition hearing would be scheduled and whether the Public Prosecutor had provided a response concerning the superseding indictment.

On May 17, 2018, U.S. authorities again encouraged the Dutch authorities to schedule an extradition hearing. The U.S. authorities informed the Dutch authorities that the case was on the

top of the list of extradition issues for consultations between the Director of the Office of International Affairs and his counterpart in the Netherlands.

On June 1, 2018, U.S. authorities again asked the Dutch authorities about the status of the MLAT request. On June 15, 2018, Dutch authorities informed U.S. authorities that they had confirmed with the Dutch police that no information on financial transactions by the defendant was available given the passage of time. The MLAT request was then closed.

On January 24, 2019, U.S. authorities again asked the Dutch authorities about the status of the extradition proceedings.

On February 19, 2019, a Grand Jury in this District returned a second superseding indictment charging the defendant and others with conspiracy to provide material support to a designated foreign terrorist organization, in violation of 18 U.S.C. § 2339B. The indictment added several paragraphs specifically detailing the role of the defendant in the conspiracy, the absence of which had been of concern to the Dutch courts considering the defendant's extradition. The indictment also eliminated all substantive counts, which theoretically could have resulted in a longer sentence for the defendant, an issue that also had been of concern to the Dutch courts.

On March 14 and 20, 2019, U.S. authorities again asked the Dutch authorities about the status of the extradition proceedings and requested that a hearing be scheduled as soon as possible.

On April 18, 2019, U.S. authorities again asked the Dutch authorities about the status of the extradition proceedings. The Dutch authorities responded that a hearing on the extradition request had been scheduled for July 11, 2019. Later that same day, the Dutch authorities reported that there had been a conflict at the court calendar and that they were waiting for yet another date.

On July 25 and 26, 2019, U.S. authorities again asked the Dutch authorities about the status of the extradition proceedings, noting that a hearing date had yet to be set.

On July 30, 2019, the Dutch authorities reported that a hearing date had been set – for December 12, 2019.

On October 17, 2019, U.S. authorities addressed with a visiting Dutch delegation the status of the extradition request.

On December 17, 2019, the Dutch authorities reported that an interpreter had failed to appear for the December 12, 2019, hearing and that a new date had been set for January 9, 2020.

On January 23, 2020, the Dutch the court in Rotterdam found in favor of extradition. According to the Dutch authorities, the defendant has a right to appeal the decision, which would further delay extradition.